

JAP:WDS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-903

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UNITED STATES OF AMERICA

- against -

ORVILLE EARL LEWIS,
also known as
"Trevor Simpson" and
"Waul E. Smith,"

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR AN ARREST WARRANT

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

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EASTERN DISTRICT OF NEW YORK, SS:

HENRY LAM, being duly sworn, deposes and states that he is an Enforcement Officer with United States Customs and Border Protection ("CBP"), duly appointed according to law and acting as such.

On or about August 22, 2011, within the Eastern District of New York, the defendant ORVILLE EARL LEWIS, also known as "Trevor Simpson" and "Waul E. Smith," an alien who had previously been deported from the United States after a conviction for an aggravated felony, attempted to enter the United States without the Secretary of the United States Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2)).

The source of your deponent's information and the grounds for her belief are as follows:^{1/}

1. I am an Enforcement Officer with CBP and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On August 22, 2011, the defendant ORVILLE EARL LEWIS, also known as "Trevor Simpson" and "Waul E. Smith," arrived at John F. Kennedy International Airport in Queens, New York aboard Carribean Airlines flight number BW-15 from Kingston, Jamaica. Upon arrival, the defendant presented a Jamaican passport, number A2725588, in the name of "Orville Earl Lewis," and a United States Lawful Permanent Resident card, number A045880496, also in the name "Orville Earl Lewis."

3. During passport control inspection, the defendant's fingerprints were taken and submitted to an electronic law enforcement database, which revealed that the defendant's fingerprints matched those of an individual who had

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

previously been deported from the United States to Jamaica under the name "Trevor Simpson" following a conviction for an aggravated felony offense.

3. Specifically, on May 31, 1994, the defendant was convicted under the name "Trevor Simpson" in the Queens County Supreme Court of one count of Reckless Endangerment in the First Degree, in violation of New York Penal Law section 120.25, and five counts of Criminal Sale of a Controlled Substance in the Third Degree, in violation of New York Penal Law section 220.39(1), and was sentenced to 16 months to four years of incarceration.

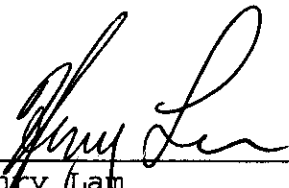
4. Based on an order of removal dated July 25, 1995, the defendant was deported from the United States to Jamaica on November 10, 1995 via American Airlines flight AA-645.

5. CBP officials have conducted an electronic comparison of the defendant's fingerprints taken in connection with his May 1994 convictions, the fingerprints from the defendant's November 1995 deportation, and the defendant's attempted entry into the United States on August 22, 2011 and determined they were all made by the same individual.

7. A preliminary search of the files of the Department of Homeland Security has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security to reapply for

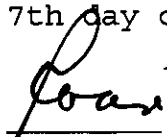
admission under the name "Trevor Simpson." The defendant's subsequent application for admission as a Lawful Permanent Resident under the name "Orville Earl Lewis" does not disclose the defendant's prior entry into the United States without inspection, nor his prior conviction and removal.

WHEREFORE, your deponent respectfully requests that an arrest warrant issue so that the defendant ORVILLE EARL LEWIS, also known as "Trevor Simpson" and "Waul E. Smith," be dealt with according to law.



Henry Lam
Enforcement Officer
Customs and Border Protection

Sworn to before me this
7th day of September, 2011



THE HONORABLE
UNITED STATES
EASTERN DISTRICT OF
S/Mann



J. Mann
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